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OFFICE OF PETITIONS

In re Application of
Romier et al.
Application No. 10/824,880
Filed: April 15, 2004
Attorney Docket No. 28944/40098

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 29, 2005, to revive the above-identified application.

The petition is **GRANTED**.


This application became abandoned for failure to timely reply to the non-final Office action mailed February 22, 2005. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on May 23, 2005. A Notice of Abandonment was mailed September 9, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1020.00 extension of time fee submitted with the petition on August 29, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

This matter is being referred to Technology Center 3600 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.


Liana Chase
Petitions Examiner
Office of Petitions